

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Timothy Zelazny,

Debtor.

Bky. Case No.: **04-42279 NCD**
Chapter 7

AFFIDAVIT OF DERRICK N. WEBER

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Derrick N. Weber, being first duly sworn on oath, deposes and states as follows:

1. That affiant is an attorney duly licensed to practice law in the State of Minnesota and employed by Messerli & Kramer P.A. and is one of the attorneys of record for Pioneer Financial, LLC.
2. That Pioneer Financial LLC, through its counsel, applied for and received a Judgment, ordered April 2, 2004, in the amount of \$7,431.68.
3. That on April 2, 2004, Wright County District Court issued Pioneer, through its counsel, a Writ of Execution, in the amount of \$7,431.68.
4. That on or about April 12, 2004, Pioneer served the Debtor's bank, Wells Fargo, with its Third Party Levy, Disclosure Form, and a copy of the Writ of Execution.
5. That on April 23, 2004, Pioneer's counsel was advised that of the Debtor's April 22, 2004, bankruptcy filing, and on the same day forwarded a release to Wells Fargo via facsimile. (See Exhibit "A".)

6. That on May 12, 2004, Pioneer's counsel transmitted a second release to Wells Fargo via facsimile, per request from Debtor's attorney. (See Exhibit "A".)

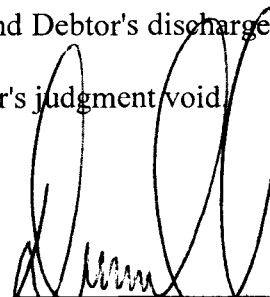
7. That on May 14, 2004, Pioneer's counsel re-faxed a copy of the release dated May 12, 2004, to Wells Fargo and faxed a copy of the same release to Debtor's attorney's office as well.

8. That on May 21, 2004, Debtor's attorney's office requested that Pioneer's counsel fax yet another copy of the release to their office and Pioneer's counsel complied again to her request.

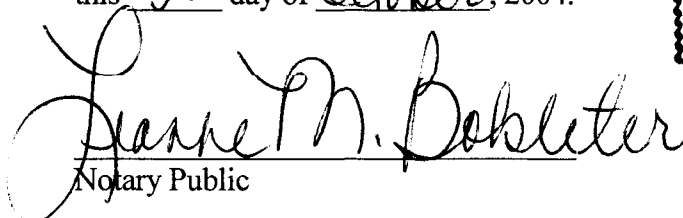
9. Pioneer's counsel did not receive any communication from Debtor's attorney's office regarding this matter for over three months, until September 13, 2004, when Debtor's attorney called and stated that she now wanted a release of Pioneer's interest as of the date that the lien took effect. Pioneer had already released its interests to the funds three times by facsimile directly to Wells Fargo, and Debtor's discharge was ordered five weeks earlier, on August 3, 2004, rendering Pioneer's judgment void.

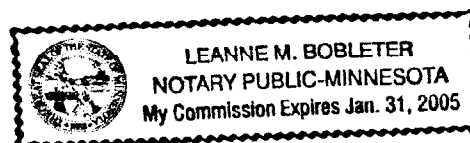
FURTHER YOUR AFFIANT SAYETH NOT.

Dated: 10-5, 2004.


Derrick N. Weber

Subscribed and sworn to before me
this 5th day of October, 2004.


Notary Public



Messerli

&

Kramer

professional association

2-39422

FAX COVER SHEET

Attorneys at Law
3033 Campus Drive, Suite 250
Plymouth, MN 55441
Telephone: (763) 548-7900
Fax: (763) 548-7922

DATE:	4/23/04	PAGES (INCLUDING COVER PAGE):	2
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To: Wells Fargo Legal Order Process

COMPANY:

FAX: 602-378-5437

PHONE NO.:

FROM:

DIRECT

DIAL NO.: 763-548-

RE:

Bankruptcy

COMMENTS:

If you do not receive all pages, or are experiencing other problems in transmission, please call _____
at 763-548-_____ Thank you.

ATTENTION:

The information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service at our expense.

AUTHORIZED TO PRACTICE LAW IN
MINNESOTA, WISCONSIN, IOWA,
SOUTH DAKOTA, COLORADO,
MONTANA, NEW YORK
AND WASHINGTON, D.C.

WRITER'S DIRECT DIAL NUMBER

Messerli
&
Kramer

professional association

ATTORNEYS AT LAW

3033 CAMPUS DRIVE
SUITE 250
PLYMOUTH, MINNESOTA 55441

TELEPHONE (763) 548-7900

FACSIMILE (763) 548-7922

TOLL FREE 1-800-795-4205

April 23, 2004

**Wells-Fargo
Legal Order Processing
PO Box 29779
Phoenix, AZ 85038**

**RE: Pioneer Financial, LLC vs. Timothy G Zelazny
Social Security Number: 473-98-3857
Our File No.: 02-39426-0**

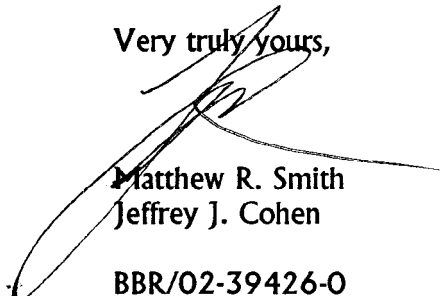
Dear Sir or Madam:

On April 12, 2004, I served upon you by certified mail a Third Party Levy relative to the above-captioned matter.

Please be advised that a bankruptcy petition has been filed by the above-named individual(s). I would request that you forward all funds withheld prior to April 22, 2004 by this Third Party Levy to our office and release any funds withheld on or after April 22, 2004 to the above-named individual(s).

Should you have any questions or comments, please advise.

Very truly yours,


**Matthew R. Smith
Jeffrey J. Cohen**

BBR/02-39426-0

IMPORTANT NOTICE

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**Messerli
&
Kramer**

professional association

ATTORNEYS AT LAW

3033 CAMPUS DRIVE
SUITE 250
PLYMOUTH, MINNESOTA 55441

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SOUTH DAKOTA, COLORADO,
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AND WASHINGTON, D.C.

WRITER'S DIRECT DIAL NUMBER

TELEPHONE (763) 548-7900
FACSIMILE (763) 548-7922
TOLL FREE 1-800-795-4205

May 12, 2004

**Wells-Fargo
Legal Order Processing
PO Box 29779
Phoenix, AZ 85038**

**RE: Pioneer Financial, LLC vs. Timothy G Zelazny
Social Security Number: 473-98-3857
Our File No.: 02-39426-0**

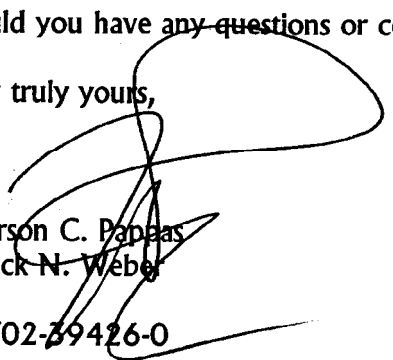
Dear Sir or Madam:

On April 12, 2004, I served upon you by certified mail a Third Party Levy relative to the above-captioned matter.

Please be advised that a bankruptcy petition was filed by the above-named individual(s) on April 22, 2004. I would request that you release any funds withheld on or after April 22, 2004 to the above-named individual(s).

Should you have any questions or comments, please advise.

Very truly yours,


**Jefferson C. Papaas
Derrick N. Weber**

BBR/02-39426-0

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Messerli
&
Kramer

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SUITE 250
PLYMOUTH, MINNESOTA 55441

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MINNESOTA, WISCONSIN, IOWA,
SOUTH DAKOTA, COLORADO,
MONTANA, NEW YORK
AND WASHINGTON, D.C.

WRITER'S DIRECT DIAL NUMBER
763-548-7942

TELEPHONE (763) 548-7900
FACSIMILE (763) 548-7922
TOLL FREE 1-800-795-4205

May 28, 2004

Marie F. Martin, Esq.
1611 West County Road B, Suite 106
Post Office Box 130938
Roseville, Minnesota 55113

VIA FACSIMILE ONLY TO:
651-628-9377

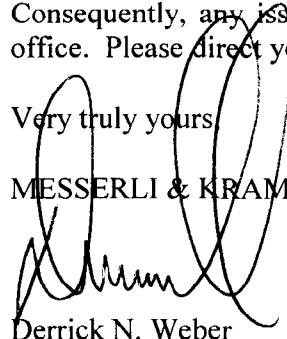
Re: *Pioneer Financia, LLC* vs. *Timothy G. Zelazny*
Bankruptcy Court File No.: 04-42279
Our File No.: 02-39426

Dear Ms. Martin:

I am in receipt of your facsimile of May 27, 2004. In response to same, please be advised that we have transmitted a release to Wells Fargo via facsimile no less than three separate times: April 23, 2004, May 12, 2004, and May 14, 2004 (at which time we also faxed a copy to your office). Consequently, any issue your client may have regarding your client's bank, does not concern our office. Please direct your communications accordingly.

Very truly yours,

MESSERLI & KRAMER P.A.


Derrick N. Weber
Attorney at Law

515819_1

02-39426

IMPORTANT NOTICE

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

ACTIVITY REPORT (TX)

(FRI) MAY 28 2004 11:48

MESSERLI & KRAMER PA

DOCUMENT #	TIME SENT	DURATION	RECIPIENT ID	MODE	PAGES	RESULT	DP
4260791-774	5. 26 15:43	1' 17"	615139791255	ECM	5	OK	
4260791-775	5. 26 17:47	1' 06"	616053438418	G3	2	OK	
4260791-776	5. 26 18:19	1' 07"	616053438418	G3	2	OK	
4260791-777	5. 26 19:55	34"	66123325215	ECM	2	OK	
4260791-778	5. 27 7:54	34"	66512981587	ECM	2	OK	
4260791-779	5. 27 7:55	11' 31"	616142834436	ECM	60	OK	
4260791-780	5. 27 8:48	22"	616142834401	ECM	1	OK	
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